

1746
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67843

Yukio MIYAKI, et al.

Appln. No.: 10/046,708

Group Art Unit: 1746

Confirmation No.: 1272

Examiner: Jonathan Crepeau

Filed: January 17, 2002

For: NONAQUEOUS SECONDARY BATTERY

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$110.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

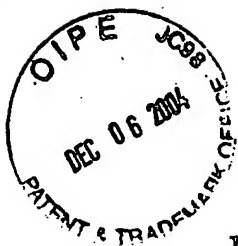
WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Keiko K. Takagi
Registration No. 47,121

Date: December 6, 2004



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67843

Yukio MIYAKI, et al.

Appln. No.: 10/046,708

Group Art Unit: 1746

Confirmation No.: 1272

Examiner: Jonathan Crepeau

Filed: January 17, 2002

For: NONAQUEOUS SECONDARY BATTERY

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

12/07/2004 HDENESS1 00000017 10046708

02 FC:1814

110.00 OP

Sir:

The undersigned, on behalf of the petitioner, FUJI PHOTO FILM CO., LTD., represents that the petitioner, FUJI PHOTO FILM CO., LTD. is the owner of the entire right, title and interest of U.S. Application No. 08/981,011, filed on December 24, 1997 for Nonaqueous Secondary Battery by virtue of an Assignment from all of the inventors thereof executed on December 5, 1996, recorded on December 24, 1997 at Reel 9112, Frame 0514, now issued as U.S. Patent 6,365,299 as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/046,708 by virtue of an Assignment from all of the inventors thereof executed on December 5, 1997, recorded on December 24, 1997, at Reel 9112, Frame 0514.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/046,708 which would extend beyond the expiration of the full

12/07/2004 HDENESS1 00000017 10046708

04-FC:1252

-430.00 OP

**Terminal Disclaimer
U.S. Appln No. 10/046,708**

Attorney Docket No.: Q67843

statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,365,299, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/046,708 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,365,299 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/046,708, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/046,708 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/046,708 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,365,299 in the event that U.S. Patent 6,365,299 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

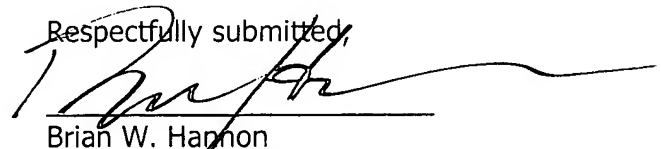
WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 6, 2004

Respectfully submitted,



Brian W. Hannon
Registration No. 32,778